

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT OLDS,

Petitioner,

v.

JAMES PURKETT, et al.,

Respondent.

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No. 4:05-CV-348 CAS

MEMORANDUM AND ORDER

This matter is before the Court on petitioner Robert Olds's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court previously found the petition to be successive and transferred the petition to the United States Court of Appeals for the Eighth Circuit. The Eighth Circuit denied petitioner's application for authorization to file a successive habeas petition on all counts except petitioner's claim relating to the denial of parole, ruling that petitioner does not need permission to proceed on that claim. The Court has reviewed petitioner's claim relating to the denial of parole, and the Court finds that the claim should be dismissed pursuant to Rule 4 of the Rules Governing § 2254 Cases.

Petitioner, a prisoner at South Central Correctional Center, is serving several consecutive prison sentences for violent crimes he committed against two eleven-year-old girls. State v. Olds, 603 S.W.2d 501 (Mo. banc 1980). Specifically, petitioner was found guilty of first degree murder and statutory rape of one of the girls, and of attempted statutory rape and kidnapping of the other girl. Id.

Petitioner argues that the Parole Board erred in 1990 and in 2002 when it found him to be a “dangerous offender” and therefore not eligible for parole. Petitioner states that he has not been convicted of a dangerous felony and, as a result, he cannot be found to be a “dangerous offender.”

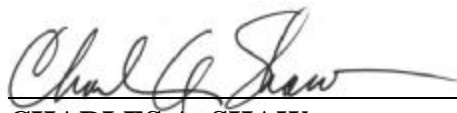
Under Missouri law, a “dangerous offender” is one who has been “sentenced for a felony during the commission of which he knowingly murdered or endangered or threatened the life of another person or knowingly inflicted or attempted or threatened to inflict serious physical injury on another person.” Mo. Rev. Stat. § 558.016. Because petitioner was found guilty of first degree murder, it is clear that he is a “dangerous offender” under Missouri law. As a result, petitioner’s claim relating to the denial of parole is frivolous, and the petition for writ of habeas corpus shall be dismissed pursuant to Rule 4 of the Rules Governing § 2254 Cases.

Accordingly,

IT IS HEREBY ORDERED that petitioner Robert Olds’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate Judgment shall accompany this Memorandum and Order.

A handwritten signature in dark ink, appearing to read "Charles A. Shaw", is written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 25th day of May, 2007.